

***Effective 5/13/2014***

***Superseded 5/10/2016***

**26-33a-109 Exceptions to prohibition on disclosure of identifiable health data.**

- (1) The committee may not disclose any identifiable health data unless:
  - (a) the individual has authorized the disclosure; or
  - (b) the disclosure complies with the provisions of:
    - (i) this section;
    - (ii) insurance enrollment and coordination of benefits under Subsection 26-33a-106.1(1)(d); or
    - (iii) risk adjusting under Subsection 26-33a-106.1(1)(b).
- (2) The committee shall consider the following when responding to a request for disclosure of information that may include identifiable health data:
  - (a) whether the request comes from a person after that person has received approval to do the specific research and statistical work from an institutional review board; and
  - (b) whether the requesting entity complies with the provisions of Subsection (3).
- (3) A request for disclosure of information that may include identifiable health data shall:
  - (a) be for a specified period; or
  - (b) be solely for bona fide research and statistical purposes as determined in accordance with administrative rules adopted by the department, which shall require:
    - (i) the requesting entity to demonstrate to the department that the data is required for the research and statistical purposes proposed by the requesting entity; and
    - (ii) the requesting entity to enter into a written agreement satisfactory to the department to protect the data in accordance with this chapter or other applicable law.
- (4) A person accessing identifiable health data pursuant to Subsection (3) may not further disclose the identifiable health data:
  - (a) without prior approval of the department; and
  - (b) unless the identifiable health data is disclosed or identified by control number only.